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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **88265-14012** Total Pages **32**

First Named Inventor or Application Identifier

Eileen ROEHR et al.Express Mail Label No. **S-2652**
10/16/03**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing) | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) |
| 2. <input type="checkbox"/> Applicant claims small entity status
See 37 CFR 1.27. | 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary) |
| 3. <input checked="" type="checkbox"/> Specification
(preferred arrangement set forth below)
-Descriptive title of the Invention
-Cross Reference to Related Applications
-Statement Regarding Fed Sponsored R&D
-Reference to Sequence Listing, a table, or a computer program listing appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure | a. <input type="checkbox"/> Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. <input type="checkbox"/> CD ROM or CD-R (2 copies); or
ii. <input type="checkbox"/> Paper
c. <input type="checkbox"/> Statements verifying identity of above copies. |

ACCOMPANYING APPLICATION PARTS

- | | |
|---|---|
| 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney
(when there is an assignee) (copy from 09/872,099) |
| 11. <input type="checkbox"/> English Translation Document (if applicable) | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449
<input type="checkbox"/> Copies of IDS Citations |
| 13. <input type="checkbox"/> Preliminary Amendment | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)
(Should be specifically itemized) |
| 15. <input type="checkbox"/> Certified copy of Priority Document(s)
(if foreign priority is claimed) | 16. <input type="checkbox"/> Non-publication Request Under 35 U.S.C.
122(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent |
| 17. <input type="checkbox"/> Other | |

4. Drawing(s) (35 U.S.C. 113) Total Sheets **4**
5. Oath or Declaration
 a. Newly executed (original or copy)
 b. Copy from prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed)
 i. DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s)
 named in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:
 Continuation Divisional Continuation-in-part (CIP) of prior application no. **09/872,099** filed **June 1, 2001**.
 Prior Application Information: Examiner: Joseph Pelham Group Art Unit: 1761.

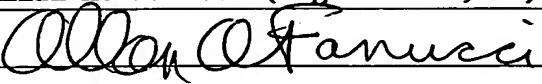
The entire disclosure of the prior application(s) noted above, is/are considered a part of the disclosure of the accompanying application and is/are hereby incorporated by reference.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code

CUSTOMER NO. 28765

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

Name (Print/Type) **Allan A. Fanucci (Reg. No. 30,256)**Signature 

Date

9-17-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application:

Examiner: Joseph Pelham
 Art Unit: 1761

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/872,099 filed on June 1, 2001 of Eileen ROEHR, Mark O. FOSTER, Hua ZHANG, Antonio GUTIERREZ, Mark A. GAJ and Giinping I. SCHMIDT for BAKED COOKIES HAVING DUAL TEXTURE.

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE	
Total Claims	9	-20	0	\$18.00 each	\$	0.00
Independent	1	-3	0	\$84.00 each	\$	0.00
Basic Fee						\$ 750.00
Multiple Dependency Fee If Applicable (\$280.00)						\$ 0.00
Total						\$ 0.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern						\$ 0.00
Total Filing Fee						\$ 750.00

2. Please charge the required fee to Winston & Strawn LLP Deposit Account No. 50-1814. A copy of this sheet is enclosed.
3. New formal drawings are enclosed.
4. The prior application is assigned of record to NESTEC S.A., a Swiss company having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, by virtue of an assignment recorded on August 30, 2001, at Reel 012143, Frame 0643.
5. The Power of Attorney appears in the original papers in the prior application no. 09/872,099, filed June 1, 2001, and a copy is enclosed herewith.

6. Information Disclosure Statement with Form PTO-1449.

Respectfully submitted,

9-17-03

Date



Allan A. Fanucci, Reg. No. 30,256

**WINSTON & STRAWN LLP
Customer No. 28765**

212-294-3311